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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,485

04/12/2004

Yoshiharu Tenmyo

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06/28/2005

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,485

Applicant(s)

TENMYO, YOSHIHARU

Examiner

Hargobind S. Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The preliminary amendment filed on April 12, 2004 with the application has been entered. According, the specification has been amended

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuke et al. (US Patent No.: 5,911,085).

Regarding claims 1 and 2, Fuke et al. ('085) discloses a light emitting device (Figure 1) comprising:

- an emission unit 3 including an arc tube 3 (Figures 5A and 5B, column 1, lines 25-28; and column 2, lines 37 and 38)
- a pair of reflector means 1 and 2 arranged in a longitudinal direction (Figures 5A and 5B, column 1, lines 25-28); and the reflecting means reflecting luminous flux from the arc tube 3 (Figures 5A and 5B, column 1, lines 25-28);

- the direction of the luminous flux varying according to a distance between the emission unit 3 and the reflecting means 2 (Figures 5A and 5B, column 1, lines 38-54);
- the direction of the luminous flux varying in direction parallel with the longitudinal direction tube 3 – a three dimensional configuration of the reflecting means would allow light flux discharge in three dimensions- according to a distance between the emission unit 3 and the reflecting means 2 (Figures 5A and 5B, column 1, lines 38-54); and
- the light emitting device – a flash discharge tube - (included in a camera not shown, column 1, lines 11-16).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuke et al. (US Patent No.: 5,911,085) in view of Leadford et al. (US Patent No.: 6,419,375 B1) .

Regarding Claim 3, Fuke et al. ('085) discloses a light-emitting device (Figure 1) comprising a light reflecting means reflecting light emitted by a discharge tube.

However, Fuke et al. ('085) does not teach the light-emitting device further including a light-permeable optical unit fixed to the reflecting means. On the other hand, Leadford et al. ('375 B1) discloses a light fixture 10 (Figure 1) comprising an arc tube 40; a light reflecting means 18; and a light-permeable optical unit 20 (Figure 1, column 5, lines 47-55; and column 6, lines 32-36).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the light emitting unit of Fuke et al. ('085) by providing the light-permeable optical unit for protection of the discharge tube and reflecting surfaces from physical and environmental degrading elements.

Regarding Claim 4, Fuke et al. ('085) in view of Leadford ('375 B1) discloses the light emitting device 3 (Figure 1) further comprising the light-permeable optical unit 20 (Leadford, Figure 1) refracting light luminous flux varying to a direction respective to a direction orthogonal – a three dimensional configuration of the light reflecting means would allow light flux discharge in three dimensions- to longitudinal direction arc tube 3.

Allowable Subject Matter

3. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Fuke et al. ('085) and Leadford ('375 B1), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a light-emitting device specifically combining:

- the luminous flux not reaching to the light reflecting means when the distance between the light-emission unit and the light reflecting means is shorter than a predetermined distance as recited in Claim 6; and
- the light -emission unit including a light guide member positioned between the pair of light reflecting means as recited in Claim 6.

The above-indicated combinations make this invention unique.

Therefore claims 5 and 6, each dependent on Claim 1, are objected over prior art,

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanabe (U.S. Patent No. 6,404,988 B1), Tenmyo (U.S. Patent No. 6,078,752), Fuke et al. (U.S. Patent No. 6,011,929), Naka (U.S. Patent No. 5,813,743), Horinishi et al. (U.S. Patent No. 5,734,934), Vaynshteyn (U.S. Patent No. 5,486,886), Arai (U.S. Patent No. 5,055,976), Shibayama (U.S. Patent No. 5,050,044), Federico (U.S. Patent No. 3,839,632) and Lonseth et al. (U.S. Patent No. 4,318,031).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

6/20/2005


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800